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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS, JR., LEROY ADAMS,)
ANDREW KOENIG, JERRY NORTON,)
DAVID SWAN, JOSEPH SWAN,)
Plaintiffs,)

vs.)

TECK COMINCO ALASKA)
INCORPORATED,)
Defendant,)

NANA REGIONAL CORPORATION, and)
NORTHWEST ARCTIC BOROUGH,)
Intervenor-Defendants.)

Case No.: A04-00049 CV (JWS)

NOTICE REGARDING INFORMATION RESPONSIVE TO COURT'S INQUIRY

In yesterday's hearing, the court asked the undersigned about the relationship between the Method Detection Limit for total cyanide of 3 ug/L and the minimum level of 9 ug/L at which total cyanide is quantifiable, as referenced in sections 5.b and 5.d. of the 1998 and 2003 Modified NPDES permits. Because counsel was confused as to what the court was referencing with its question about the number "3", the undersigned was unable to respond to the court's inquiry when asked. Consequently, Teck Cominco directs the court's

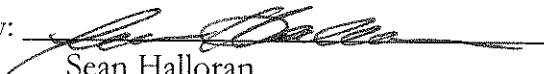
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attention to the declaration of Michael Botz, the original of which was filed with this court at docket 92 in the case of Kivalina Relocation Planning Committee v. Teck Cominco Alaska, A02-231 CV, in conjunction with briefing on the cyanide issues. Mr. Botz¹ provides a simple and lucid response at paragraph 20 to the court's inquiry regarding the difference between a "method detection limit" at which the presence of a compound can be ascertained and a "minimum level" at which it can be reliably quantified by laboratory analysis.

Also responsive to the court's question is the EPA's Guidance on Water Quality Based Effluent Limits Set Below Analytical Detection/Quantitation Limits (at pages 2-3), on file with the court at docket 94 in this case, as attachment 4 to Mr. Thompson's October 3, 2005 Affidavit.

DATED at Anchorage, Alaska, this 16 day of June, 2006.

HARTIG RHODES HOGE & LEKISCH, P.C.
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¹ The court may take judicial notice of Mr. Botz's Declaration. (A copy is attached hereto for the convenience of the court). Alternatively, Teck Cominco asks that it be given leave to supplement the materials previously submitted in this case with the Declaration. The undersigned hereby certifies that the attached is at true and correct copy of the original Botz declaration on file with this court.

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 2006,
a true and correct copy of the foregoing was served
electronically, on the below identified parties of
record:

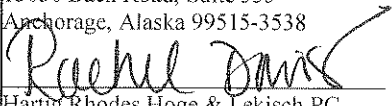
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I hereby certify that on the 16th day of June, 2006,
a true and correct copy of the foregoing was served
via regular U.S. Mail, on the below identified parties
of record:

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